

Femicide: shedding light on the 'invisible' victims

Femicide: killing of women and girls because of their gender.

Vienna Declaration on Femicide (2012)⁽¹⁾

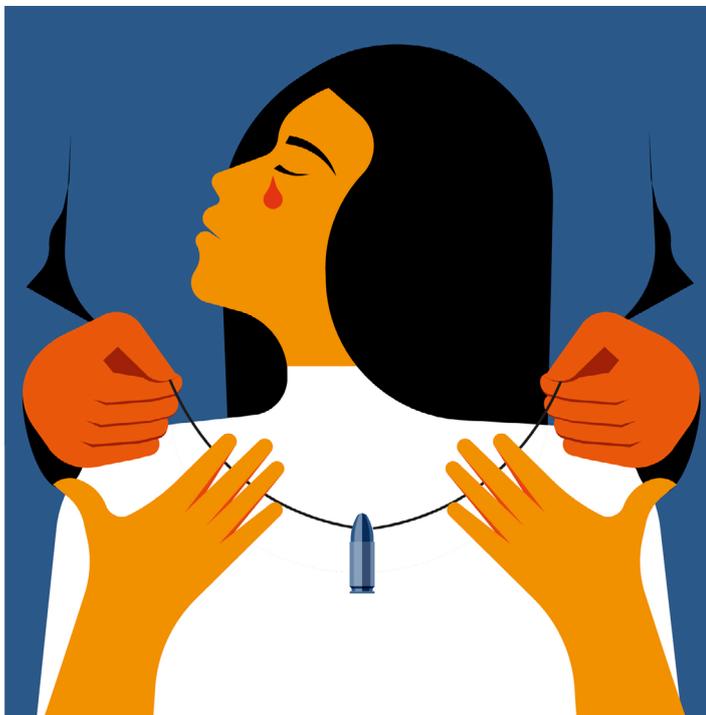
Violence against women undermines a core value of the European Union and stands in the way of achieving full gender equality. Ending all forms of gender-based violence and supporting the victims is one of the main priority areas of the Gender Equality Strategy 2020-2025. This commitment also applies to femicide, the most extreme form of violence against women.

Femicide continues to be widespread around the globe. In 2020 the global estimation of femicide shows that 47 000 women were killed by intimate partners or other family members worldwide and around 2 600 in Europe ⁽²⁾.

However, the number of victims is in fact much higher. Orphaned children, bereaved parents and siblings of murdered women are rarely considered as direct victims. Legal gaps in tackling femicide hinder their access to justice, leaving **victims of femicide (family members of murdered women)** ⁽³⁾ feeling neglected. EIGE's research points to alarming findings: the lack of comprehensive institutional response to femicide not only impedes effective prevention and prosecution, but also deprives victims of necessary support and exposes them to repeated victimisation during legal proceedings.

Due diligence in preventing and combating femicide

Under international human rights law, states are required to exercise due diligence when addressing all forms of violence against women, including femicide. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), ratified by the majority of EU Member States, obliges states to **prevent, investigate and punish all acts of violence against women as well as protect the victims**. States are also required to provide reparations to the victims, which may encompass: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, among other things.



Restitution

Adoption of measures aimed at returning victim to situation prior to the violation.

Compensation

Obligation to compensate harms caused by the punishable conduct.

Rehabilitation

Creation of measures allowing victims to recover from physical and psychological traumas suffered because of the crime.

Satisfaction

Provision of moral compensation to re-establish the dignity of the victims.

Non-repetition

Obligation to carry out actions aimed at eradicating the factors that cause femicidal violence.

Source: United Nations High Commissioner for Human Rights (OHCHR) and UN Women (2014). Latin American model protocol for the investigation of gender-related killings of women (femicide/feminicide). New York.

- (1) United Nations Economic and Social Council, Statement submitted by the Academic Council on the United Nations System, a non-governmental organization in consultative status with the Economic and Social Council, E/CN.15/2013/NGO/1.
- (2) United Nations Office on Drugs and Crime (2021), *Data Matters 3 – Killings of women and girls by their intimate partner or other family members*, Vienna.
- (3) In recognition of the suffering of families as a result of femicide, victims are defined as 'family members of a person whose death was directly caused by a crime and who have suffered harm as a result of that person's death' in accordance with Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JA.

Femicide: gender-based violence or gender-neutral homicide?

Legal responses to counter femicide in the five selected Member States (Germany, Spain, France, Portugal and Romania) are usually guided by two distinct approaches: femicide is considered either as a gender-neutral homicide or a form of gender-based violence. However, only one Member State (Spain) recognizes in its legislation that femicide is an extreme form of gender-based violence against women.



"We work with the same criminal procedure law, with the only difference that specialised judge, (..) and specialised prosecutor are granted civil and criminal competences... This will allow the protection of the victim, in cases where she has survived, in both areas. (...) It is a great thing. From the very first minute, not only do you protect the victim with accommodation or no-contact orders, but you are also guaranteeing her a financial support, a maintenance allowance, you can give her the house, you can give her a lot. So, this is a real protection."
(judge, Spain)



As a result, out of five researched Member States, Spain seems to have the most integrated approach towards femicide. The killings of women are framed within the concept of gender-based violence. Since 2004 all cases of gender-based violence, including femicides, are investigated, prosecuted

and sentenced by separate, specialised law enforcement units and courts. Ensuring that investigators and prosecutors have expert knowledge on femicide is crucial to identify evidence proving that the killing was motivated by the victim's gender and holding the perpetrator accountable.

Femicide: a crime in its own right

None of the Member States legally recognise femicide as a separate criminal offence.

However, a number of professionals interviewed argue that such change would bring numerous benefits.

Femicide as a separate criminal offence

- Makes femicide more visible as a gender-based violence crime.
- Simplifies the application of legal provisions.
- Contributes to creating specific measures and plans to prevent femicide.
- Acknowledges that women are disproportionately affected by gender-based violence.
- Contributes to the prevention of domestic violence.
- Increases trust in the justice sector and increases reports to the police by victims.

Victims' rights: the painstaking path through the legal system

Victims' and professionals' experiences reveal that accessing justice is a gruelling path. Improving victims' experiences with the legal system is essential since family members see the end of a trial not only as their call for justice being answered, but also experience it as a symbolic burial.

Lack of sensitivity towards victims

Some victims recount insufficient consideration shown by police officers for victims' feelings, for example, when informing about the death. According to both victims and professionals, conducting a thorough investigation and collecting evidence should not overshadow the need to protect victims from trauma.

'They had already carried our daughter out of the fire and laid her on the floor in front of the door. What happened to me then is practically the feeling of being run over by a steamroller. [...] We were taken to the police station, still unwashed and wearing slippers and pyjamas, to be questioned'
(victim – parent, Germany).

'invisible victims'

Most legal systems do not recognise family members of murdered women as victims of the femicide. As a result, their access to justice is limited as they cannot fully participate in the criminal proceedings.

'We talk about the victim [the murdered woman], and we talk about the perpetrator. However, occasionally, it is mentioned that the victim has a son or daughter, a father or a mother ... they are entirely invisible'
(psychologist, Portugal).

Insufficient information on victims' rights

Interviewees note the lack of clear and easily accessible information about victims' rights, which can exclude them from criminal proceedings. Both victims of femicide and professionals note that seeking financial compensation for damages suffered as a result of femicide is very complex and requires great effort from the victims. The victims note that this process exposes them to pain and suffering as it often requires recalling the details of the crime when applying for compensation.

'And I had to, that was also really bad, that I then had to write down everything again, the course of events of the murder and everything again just for the [compensation] application, what happened and then submit that'
(victim – parent, Germany).

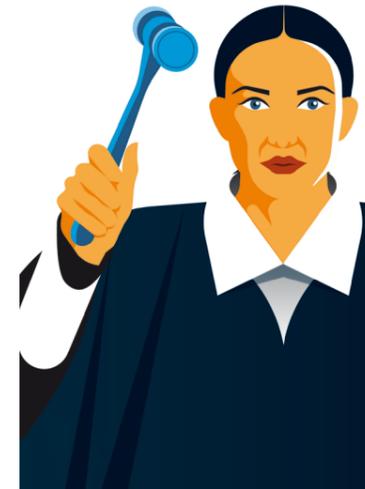
Persistent gap in providing reparations

Opinions expressed by professionals and victims highlight the lack of systemic, comprehensive reparations that include good-quality, long-term support services for victims to address the emotional consequences of femicide. Since reparation programmes are scarce, the responsibility of supporting victims often falls on severely underfunded NGOs.

'We are very focused on the evidence of criminal facts. However, the State is less interested in monitoring those who lost someone in their family and less interested in their emotional recovery. ... people are also orphaned from support [from the state]'
(psychologist, Portugal).

'The child received psychological support from our service. He came every week to our psychologist who was trying to help him get over the period of mourning, overcome the barriers that the child put up. He has not even been to his mother's grave for a long time. We provided him with psychological assistance, and his aunt took him to a psychologist. But you know how it is, it is very expensive ...'
(social worker, Romania).

Re-victimisation in court



Many victims feel re-victimised and uncomfortable in the courtroom. Some victims highlight that after days spent in court they suffered from depression or other long-term health consequences. Interviewees think that the judicial proceedings are usually offender-oriented and diminish victims' experiences. Victims say that judges need to be more proactive in stopping the defence from trying to discredit the woman who has been murdered and refrain from making comments blaming victims for their death.

The impact of inconsiderate media reporting

Victims highlight that in some cases the media contribute to their re-victimisation and traumatic experiences. Victims note feeling exposed, harassed or even insulted by the way some media presented the cases. Using the term femicide as opposed to overly dramatic alternatives would ensure respect for murdered women.

'The worst was when the press came. I had to stay inside for one day because the press was coming. They were in front of my block, and they would notice even when we were moving the kitchen blinds. [...] They would just come and put the microphones to my mouth when I was going to church ...'
(victim – family member, Romania).

'... we systematically intervene with the media on the terms they use of "marital drama", "family drama", "disagreement", of "inappropriate gesture", and so on. So each time, we send messages, well, letters to the media and press releases from elsewhere, to remind them of the [correct] terms to use'
(NGO representative, France).

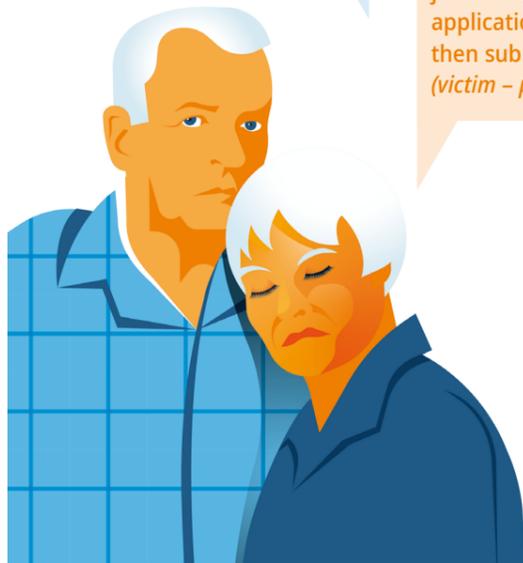
Children as victims

Protecting the well-being of children who witnessed a femicide and/or became orphans due to the crime is recognised as a priority in all Member States, however, the existing measures are still insufficient. The specialised protocols have to address children's needs, protect them from trauma and provide immediate, long-term specialised support. The interviewees also advise that exchange of information between relevant institutions and courts be improved to ensure that the child's custody is resolved and parental authority is suspended when the parent is a suspect in a femicide case.

'... society and the State cannot inflict on these children even just one more millimetre of suffering for what they have already gone through, not one more, with long proceedings, with doubts, with multiple hearings. They cannot cause these children even one more gram [of pain]'
(judge, Portugal).



'... they [victims] undergo traumas inherent to violence, there you have it, femicide. But the criminal procedure is also a trauma to overcome. So it is a double burden for the victims'
(criminal lawyer, France).



Recommendations

EU level

1

LEAD IN DEVELOPING LEGAL STANDARDS PROTECTING WOMEN FROM VIOLENCE

- Accede to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.
- Adopt the directive of the European Parliament and of the Council of the European Union on combating violence against women and domestic violence.

2

SUPPORT MEMBER STATES IN COMBATING ALL FORMS OF VIOLENCE AGAINST WOMEN

- Ensure a coordinated response to violence against women across the EU through policy instruments, research and funding.
- Continue to provide training and share promising practices on violence against women prevention via relevant EU agencies.

3

DEVELOP A COMMON EU RESPONSE TO CHILDREN ORPHANED BECAUSE OF FEMICIDE

- Outline a common response to improve the situation of orphaned children by femicide across Member States.

Member State level

1

ENSURE COORDINATED ACTION AGAINST FEMICIDE

- Include femicide in national policies and strategies on violence against women and develop measures specifically targeting femicide.
- Provide mandatory training on tackling femicide for police officers, prosecutors and judges in addition to regular courses on violence against women.
- Establish close cooperation with civil society organisations and support their initiatives by providing necessary funding.

2

EXERCISE DUE DILIGENCE WHEN RESPONDING TO VIOLENCE REPORT

- Ensure immediate response to all reports of violence against women.
- Conduct mandatory risk assessment and risk management in all cases of violence against women.
- Ensure that perpetrators are held accountable and sentences are proportionate and dissuasive.

3

STRENGTHEN LEGAL RESPONSE TOWARDS FEMICIDE

- Recognise femicide as a specific criminal offence to increase its visibility within the legal system.
- Adopt investigative protocols for law enforcement officers and guidelines for prosecutors to ensure coherent and harmonised approaches towards femicide.
- Establish nationwide specialised and multidisciplinary units at the level of investigation, prosecution and sentencing of femicide.

4

ESTABLISH NATIONAL OBSERVATORIES ON FEMICIDE

- Conduct systematic reviews of femicide cases.
- Collect, organise and share quantitative and qualitative information on women killings and their children.
- Support and fund research on femicide and foster public debates on the matter between national stakeholders, including NGOs and representatives of academia.

5

ENSURE ACCESS TO JUSTICE

- Recognise and strengthen the role of family members affected by femicide in the criminal proceedings.
- Ensure that victims receive full information regarding their rights and promote their active participation in legal proceedings.
- Ensure a victim-oriented, trauma-informed approach during legal proceedings and strengthen measures protecting witnesses, in particular children.

6

IMPROVE ACCESS TO REPARATION AND COMPENSATION

- Provide adequate financial resources to ensure that compensation – either from the perpetrator or state funds – is easy to access for family members affected by femicide, in particular orphaned children.
- Create comprehensive reparation programmes for victims of femicide, in particular orphaned children.
- Ensure that victims of femicide have access to specialist support to heal physical and psychological trauma, and that it is provided for as long as needed.

This policy brief is based on EIGE's research and the interviews with victims of femicide and legal professionals from Germany, Spain, France, Portugal and Romania, carried out between April and July 2021.

The full report is available at <https://eige.europa.eu/gender-based-violence/femicide>.

European Institute for Gender Equality

The European Institute for Gender Equality (EIGE) is the EU knowledge centre on gender equality. EIGE supports policymakers and all relevant institutions in their efforts to make equality between women and men a reality for all Europeans by providing them with specific expertise and comparable and reliable data on gender equality in Europe.

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